

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eric R. Schott
Application No.: 10/761,884 Group: 2185
Filed: January 20, 2004 Examiner: Duc T. Doan
Confirmation No: 4233
For: Storage Systems Having Differentiated Storage Pools

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
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REQUEST FOR RECONSIDERATION OF DECISION ON PETITION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Request for Reconsideration of the Decision on the petition that was dated October 12, 2010.

Applicants had earlier filed a Petition under the Unintentional Abandoned Provisions of 37 C.F.R. 1.137(b) on September 17, 2010 (the "Original Petition") to revive the above-identified application.

The Original Petition was dismissed for what is understood to be two reasons, namely (a) that it lacked the required reply, including specifically any required request for continued examination, and (b) further evidence that the person signing the statement of unintentional delay was in a position to have first hand or direct knowledge of the facts and circumstances of the delay.

With respect to item (a), this submission is being accompanied by a Request for Continued Examination and an Amendment which fully addresses each of the issues raised in both the Office Action mailed September 30, 2009, as well as the further comments in the new Communication from the Examiner dated October 12, 2010.

With respect to item (b), Applicants' undersigned attorney has had a Power of Attorney from the original Assignee, EqualLogic, Inc., since at least March 2008, and now also has a Power of Attorney from the new assignee, Dell Products, L.P.

The undersigned attorney has been under standing instructions from both the current and the former Assignee to maintain this application pending at all times since at least March 2008.

More specifically, on March 18, 2008, a Revocation of Power of Attorney with new Power of Attorney and Change of Correspondence Address was signed by an authorized representative of the assignee, EqualLogic, Inc. On March 24, 2008 that Power of Attorney was received by the U.S. Patent and Trademark Office. See Exhibit A, first page. That power of attorney revoked all previous powers of attorney and appointed the law firm of Hamilton Brook Smith & Reynolds, P.C and designated the undersigned, David J. Thibodeau, Jr. to receive all correspondence. Please see the document attached as Exhibit A.

Despite the filing of this Power of Attorney, the Patent Office next corresponded with the prior counsel in the August 8, 2008 Office Action. Applicants' undersigned attorney later requested the Patent Office to acknowledge the new Power of Attorney with the Amendment filed June 29, 2009. See Exhibit B.

The Patent Office acknowledged receipt of the March 2008 Power of Attorney in the Office Action dated September 30, 2009. See Exhibit C, page 11.

Despite the Patent Office having acknowledged receipt of this new Power of Attorney, the Patent Office has and still continues to correspond with the prior counsel, Ropes & Gray, in error. As a result of this error in addressing the Office Action, the undersigned attorney did not become aware of the Office Action until after the Application became abandoned. This is the primary reason why the Office Action dated September 30, 2009 was not responded to in the statutory six month time period.

Applicant is also submitting herewith a new Power of Attorney in favor of the undersigned counsel from the new assignee, Dell Products, L.P. Please note that in the interim time period between March 2008 and the present, the prior owner, EqualLogic, Inc., was merged

into Dell Products L.P. on January 21, 2010. The new owner Dell Products L.P. is therefore providing a new Power of Attorney.

Applicants and their undersigned attorney therefore again represent that the entire delay in failing to respond to the Office Action dated September 30, 2009 up until the present time was entirely unintentional.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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